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Administrator

EPA Nominee Pruitt's Confirmation Hearing Scheduled For January 18.

[E&E Publishing](#) (1/11, Bogardus) reports that Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, has agreed to a January 18 hearing date for Pruitt, despite the fact that "Pruitt still has information he has to share with the committee." [The Hill](#) (1/10, Cama) reports that Sen. Tom Carper previously felt strongly that the hearing should be postponed until Pruitt responds to "a list of about 50 questions" and completes his standard FBI background check. After meeting with Pruitt last week, Sen. Carper said he had "grave concerns." His comments were mild compared to those of other Democrats like Sen. Sheldon Whitehouse, who called Pruitt's selection a "sickening and saddening choice."

The [Washington Examiner](#) (1/11) reports that the top Republican on the Senate Environment and Public Works Committee, Chairman John Barrasso, sent a letter to all members of the panel criticizing the Democrats for sending their own questionnaires to Scott Pruitt. Sen. Barrasso also reminded them that "the authority to schedule hearings rests within the sole discretion of the chairman."

Sen. Cardin Says He Has "Major Concerns" About Pruitt After Meeting. The [Seven Valleys](#) (PA) [Bay Journal](#) (1/11) reports that Sen. Ben Cardin (D-Md.) said he has "major concerns" with President-elect Trump's nominee to lead the EPA after meeting with him last week. Sen. Cardin said the two had a "positive" discussion about Chesapeake Bay cleanup efforts, but that "he remained confused about Pruitt's rationale for joining a legal challenge to EPA's imposition in 2010 of a pollution reduction plan for the Chesapeake." Sen. Cardin later warned that the Pruitt was face "an uphill battle to win my support" to be confirmed. The [Baltimore Sun](#) (1/10, Fritze) reports that according to Sen. Cardin, Pruitt did "didn't express a view" on climate change and whether he believes the EPA will have a role in addressing it. "It was not terribly helpful for me," said Sen. Cardin.

Environmental Watchdog Wants Assurances That Pruitt Will Enforce Anti-Pollution Laws. [Greenwire](#) (1/11, Bogardus) reports that the watchdog group Public Employees for Environmental Responsibility sent a letter to Sens. John Barrasso and Tom Carper urging them to "question Mr. Pruitt to determine what he thinks the proper role for U.S. EPA should be, especially with respect to enforcement and oversight of state-delegated programs." The group wants assurances that as administrator, Pruitt would maintain enforcement of anti-pollution laws.

PACs Associated With Pruitt To Be Shut Down Ahead Of Confirmation. [E&E Publishing](#) (1/11) reports that "in an abrupt shift, two political action committees associated" with EPA nominee Scott Pruitt will be shut down ahead of his confirmation hearing. Charles Spies, the counsel for both Liberty 2.0 and Oklahoma Strong Leadership, said, "the PACs missions are no longer relevant and we don't want them to be a distraction during the confirmation hearings."

Pugliaresi: EPA Needs New Direction Under Pruitt's Leadership.

In an op-ed in The Hill, (1/10) Lucian Pugliaresi, president of the Energy Policy Research Foundation, argues that the EPA “needs leadership that understands the constitutional limits of the agency,” and defends the nomination of Oklahoma Attorney General Scott Pruitt to be its next administrator. Pugliaresi specifically cites the Clean Power Plan, the Renewable Fuel Standard, and the Corporate Average Fuel Economy (CAFE) standards for immediate reform.

Pruitt 2016 Interview Sheds Light On His Views On EPA, Carbon Dioxide Regulations.

Oklahoma Attorney General Scott Pruitt “has said much publicly” since he was nominated to lead the EPA in December, and gave few interviews even before his nomination. The Oklahoman (1/10) features an interview with Scott Pruitt from February 2016, “right after the U.S. Supreme Court issued a rare stay in the implementation of the Clean Power Plan,” to help shed light on his views on the role of the EPA and carbon dioxide regulations

Air

Basin Electric Co-op Reaches Tentative Settlement With EPA Over SO2 Emissions At Plant.

The AP (1/10) reports a tentative agreement between Basin Electric Power Cooperative and the EPA to lower sulfur dioxide emissions from the Laramie River Station has been reached. Basin Electric says the proposed settlement “will ensure a clean environment and help ensure the long-term operation of the plant” which employs 330. The installation of equipment to lower SO2 emissions will cost about \$350 million and create about 200 construction jobs.

Brownfields/Superfund/Other Cleanups

New York Senators Urge EPA To Expedite Hoosick Falls Superfund Process.

The Albany (NY) Times Union (1/10, Lyons) reports that Sens. Charles E. Schumer and Kirsten E. Gillibrand, both Democrats from New York, are calling on the EPA to “expedite the process for adding contaminated areas of Hoosick Falls to the list of federal Superfund sites” before EPA Administrator Gina McCarthy steps down from her position as part of the transition to President-elect Trump’s transition. The senators say that the designation would give the nearby Rensselaer County community “access to vital federal resources that will help the community more adequately investigate and remediate the health and environmental risks caused by the widespread perfluorinated compound perfluorooctanoic acid (PFOA) contamination.”

Northern States Power To Spend \$42 Million In Superfund Cleanup.

The Wisconsin State Journal (1/10) reports that “under an agreement reached with federal prosecutors, Northern States Power Co. will spend \$42 million in a long-awaited cleanup of Lake Superior sediment near Ashland.” The Journal adds that this “is the second and final phase in efforts to remove pollutants that harmed natural resources including fisheries in Chequamegon Bay and its rivers, federal officials said. ‘This agreement will complete the long-awaited cleanup of contamination at the Ashland Lakefront site at the cost of a party responsible for most of the hazardous substances, rather than the public,’ John C. Cruden, Assistant Attorney General for the Environment and Natural Resources Division, said in a statement.”

The Duluth (MN) News Tribune (1/10, Myers) reports that “the 40-acre polluted site located on

the shore of Lake Superior in Chequamegon Bay in the city of Ashland was used for various industrial purposes for more than a century and contains legacy toxins such as benzene and naphthalene.” Under the agreement filed on Tuesday in a Madison, WI federal court, the company “will design, construct and implement the cleanup of contaminated sediments in Chequamegon Bay.” The project, “expected to cost about \$42 million and take 1-2 years to complete, will include dredging contaminated sediment out of the bay.” The Ashland (WI) Daily Press (1/10, Murphy) and the Superior (WI) Telegram (1/10) also report.

Additional Reading.

- **Two More Days To Send San Jacinto Waste Pits Comments To EPA.** Baytown (TX) Sun. (1/10)

Climate Change

Companies Urge Trump Not To Ignore Climate Change Issue.

The Huffington Post (1/10) reports over “600 businesses are demanding that President-elect Donald Trump’s administration uphold U.S. commitments to low-carbon policies and the Paris Climate Agreement.” On Tuesday, “over 630 companies signed” and released a letter that implores “Trump, members of Congress and outgoing President Barack Obama to continue low-carbon policies, increase investments in renewable energy and keep commitments to the Paris Climate Agreement — which Trump has threatened to quit.” The “companies that signed the letter together” have over “\$1 trillion in annual sales and nearly 2 million employees, organizers said.” HP, Johnson & Johnson, DuPont and General Mills are among the companies that signed the letter.

The Guardian (UK) (1/10, Clouse) reports Trump has chosen “advisors and cabinet members who are largely hostile toward environmental regulations and have close ties to the fossil fuel industry.” Trump’s nominee for energy secretary, Rick Perry, “supported the expansion of the state’s wind energy development” in Texas, but “he made climate change skepticism part of his platform during a failed bid for presidency in 2011.” He “also once said he wanted to eliminate the very department he’s now expected to lead.”

Whitehouse Calls On Corporations To Help Republican Lawmakers Fight Climate Change.

In an op-ed for the Washington Post (1/10), Sen. Sheldon Whitehouse (D-RI) accuses the fossil-fuel industry of quashing Republican efforts on climate change and silencing congressional debates on the issue “through undisclosed ‘dark money’ and identity-laundering pass-throughs.” Whitehouse says climate change is not a partisan issue and Republican lawmakers “are not idiots” about climate science, but without the support of corporations, they cannot “take a principled stand on climate.” Whitehouse urges American corporations to financially support Republican lawmakers in efforts to combat climate change, as allowed under a legal precedent set by the Supreme Court in 2010.

Hickenlooper Backs Off Executive Action On Power Plant Emissions.

The AP (1/10, Anderson) reports Colorado’s Democratic governor Hickenlooper said Tuesday “he has abandoned the idea of issuing an executive order to seek a one-third cut in greenhouse gas emissions from power plants,” citing backlash from Republicans. The pushback “was so intense that the potential benefits were outweighed by the collateral damage,” Hickenlooper told reporters, adding that he remains committed curbing emissions.

Sessions: Climate Change Is A “Plausible” Theory.

The Los Angeles Times (1/10, Wilber) reports Sen. Jeff Sessions signaled he would approach climate change with an open mind, saying at a hearing that “the theory always struck me as plausible,” but “it is the question of how much is happening and what the reaction would be to it.” Sen. Sheldon Whitehouse pressed the issue during a hearing.

White House Urges Research On Geoengineering For First Time.

The New York Times (1/10, Fountain) reports a White House road map for federally funded climate research “has for the first time recommended research into geoengineering.” The report by the US Global Change Research Program calls for studies related to “distributing chemicals in the atmosphere to reflect more heat-producing sunlight away from the earth, and removing carbon dioxide from the air so the atmosphere traps less heat.” The recommendations “face an uncertain future” under the Trump administration, but the concept of geoengineering “stirs controversy that goes beyond partisan politics” as opponents question the risks.

Sundance To Spotlight Climate Change.

The New York Times (1/10, Barnes) reports that climate change will be the theme of the Sundance Film Festival. “We stay free of politics,” Robert Redford, who founded Sundance, said. “It just happened to coincide,” he said, adding that “our whole mission is to support filmmakers who have stories they want to tell.” Redford “bristles when his festival is seen as having an agenda,” but top programmers, John Cooper and Trevor Groth, “say they are taking a specific stance” that global warming and the environment will be spotlighted.

Energy

Two New “Clean Coal” Projects Launched In US.

The Washington Post (1/10, Mooney) reports the energy firm NRG Energy and JX Nippon Oil & Gas Exploration Corp. opened the Petra Nova “clean coal” project near Houston in September. According to executives at NRG and JX Nippon, the plant can capture over one million tons of carbon dioxide per year. Mississippi Power is expected to open Kemper Plant, a similar carbon dioxide-capturing plant, on Jan. 31. While both plants strip carbon dioxide out of the coal combustion process, Kemper does so before burning the coal, and Petra Nova after. These and other “clean coal” processes, collectively referred to as “CCS,” have been praised by the International Energy Agency and the United Nations Intergovernmental Panel on Climate Change as critical to offset man-made greenhouse gas emissions, and the Petra Nova plant is financially supported by the Energy Department.

Enforcement

Volkswagen Reaches Tentative \$4.3 Billion Deal With US Over Emissions Cheating.

The New York Times (1/10, Ewing, Tabuchi) reports that Volkswagen said on Tuesday that it “has reached a deal with the United States government to pay \$4.3 billion to resolve a federal criminal investigation into its cheating on emissions tests.” The automaker has agreed to plead guilty to criminal charges as part of the settlement. The Times adds that the agreement “is not yet official, as the company’s management board must still approve it.” The \$4.3 billion settlement “includes both criminal and civil fines, and the civil part of the fines include environmental and customs-related penalties.”

The Washington Post (1/10, Overly) reports that after the settlement is approved by the firm's management and board of directors, it must then be approved in federal court. The settlement "comes three months after a U.S. District judge signed off on a separate settlement that requires Volkswagen to pay regulators and car owners \$14.7 billion – the largest penalty levied against an automaker in U.S. history." Most of that money "will be used to buy back cars and otherwise compensate affected customers; smaller portions are allocated for efforts to mitigate the environmental damage and promote zero-emission cars."

The Wall Street Journal (1/10, Boston, Spector, Viswanatha) reports that Volkswagen said in a statement that it had agreed to a draft settlement with the Justice Department and US customs authorities. The Journal adds that sources said the automaker is expected to plead guilty to charges of conspiring to defraud the US, commit wire fraud and violate the Clean Air Act, as well as obstruction of justice and violating import rules.

USA Today (1/10, Bomey) notes that federal prosecutors on Monday charged Volkswagen general manager Oliver Schmidt "for allegedly conspiring to cheat regulations," and adds that "it was not immediately clear whether any additional VW executives would be charged." The FBI probe "has centered on two unidentified cooperating witnesses and a third VW worker, James Liang, who pleaded guilty in September to conspiracy, according to a criminal complaint unsealed Monday." USA notes that Volkswagen "still faces a criminal investigation in Germany, as well," and that the company "recently agreed to separate civil settlements worth about \$17 billion for U.S. consumers and dealers who own diesel vehicles affected by the scandal, authorizing buybacks and free fixes."

International

China Lacking Climate Transparency Despite Pushing Paris Climate Agreement.

The New York Times (1/10, Wong) reports that China is among a number of nations working to implement the Paris climate agreement, which depends on a level of transparency and good faith, with nations reporting their carbon emissions data and submitting it for verification. However, "China, the world's biggest polluter, has refused to accept international monitoring of its emissions and says it will provide data to outside observers. In the past, conflicting data about the country's energy use has raised questions about accuracy." International negotiators are expected to craft standards for developed and developing countries, meaning "China and India will be compelled to provide the same kinds of information as, say, France and Japan." At a November news conference, Chinese special envoy on climate issues Xie Zhenhua said, "It was mentioned in the Paris agreement that a greater degree of flexibility should be offered to developing countries, and, first of all, funding and technical support should be provided to them to help improve their capacity." He continued, "How to establish a system of transparency should only be considered on this basis," he added. "China is also in such a phase of development."

Other News

Murkowski Hopes To Hold Confirmation Hearing For Perry Next Week.

E&E Daily (1/10) reports Senate Energy and Natural Resources Chairwoman Lisa Murkowski is aiming "to schedule hearings on President-elect Donald Trump's nominees to lead the departments of Energy and the Interior before the inauguration." Murkowski said of Energy secretary nominee Rick Perry and Interior secretary nominee Rep. Ryan Zinke, "We want to get to a hearing on both of them next week." The Hill (1/10, Henry, Carney) reports Senate Republicans

have slowed “this week’s breakneck pace for confirmation hearings, postponing two that were scheduled for Wednesday amid Democratic frustrations over the condensed schedule.” Democrats have urged “Republicans to lighten the workload and give the Senate more time to probe President Elect Donald Trump’s picks to lead cabinet agencies and hold key administration positions, many of whom are wealthy and have business ties to industries they would oversee.” The “Morning Energy” blog of [Politico](#) (1/10) also noted Murkowski’s comments.

Cybersecurity Expected To Come Up During Perry Confirmation Hearing. [Politico](#) (1/10, Matishak) reports the debate of Russian hacks and cybersecurity “are likely to spill into numerous confirmation hearings” since “digital security touches nearly every corner of the federal government, nominees for roles like attorney general and energy secretary could also face grillings.” Sen. Cory Gardner said, “We’re going to be talking a lot about cybersecurity, not just with Mr. Tillerson, but [former Gov. Rick] Perry as well, and other nominees.”

Perry Financial Disclosure Forms Not Available To Public Yet. [McClatchy](#) (1/10, Daugherty) reports Perry is among the “Cabinet nominees whose federal financial disclosure forms are not available for the public to see.” However, Perry has “begun the process of divesting from hundreds of stocks and positions on corporate boards ahead of Senate confirmation hearings.” Nominees for cabinet positions “must submit financial disclosure statements to show that their work in the White House will not be impacted by their personal financial interests.” The former Texas governor’s “personal financial disclosure forms have not been made public yet by the OGE as of Tuesday morning.” Marc Palazzo, Perry spokesman, didn’t “confirm whether Perry submitted his financial disclosure forms to the OGE or when a confirmation hearing on Capitol Hill would take place.”

Trade Group Endorses Perry. The [Washington Examiner](#) (1/10, Yilek) reports the Air-Conditioning, Heating, and Refrigeration Institute, which represents over 300 companies, “pressed the Senate Tuesday to support the confirmation of President-elect Trump’s pick for energy secretary, former Texas Gov. Rick Perry.” A letter from the group said, “During his tenure as governor of Texas, Mr. Perry worked tirelessly to promote job growth and energy security within his state. ... His understanding of the energy economy and its relationship to economic growth will serve the nation well as the next secretary.” DOE “regulates energy efficiency for appliances such as air conditioners and heating units like those made by Carrier.” The group added, “It is imperative that the secretary of DOE, the agency charged with establishing and updating efficiency standards for those products, understand the importance of ensuring that the regulatory process operates fairly and consistently for all stakeholders.”

Sen. Flake Calls Out EPA In Latest Government “Wastebook”.

[Roll Call](#) (1/10, Lesniewski) reports on Sen. Jeff Flake’s latest volume of his government “wastebook,” which he says details more than \$5 billion in inappropriate spending in the federal government. He highlights 50 examples, including a “a \$36,700 venture from the Environmental Protection Agency to create a version of the Berkshire region of Massachusetts in the “Minecraft” video game.” Sen. Flake’s report states, “Instead of pouring money down the drain in virtual worlds, EPA should target resources to fixing real problems in the real world.”

Additional Reading.

- **EPA Official Used Racist, Homophobic Threat Of Prison Rape.** [Breitbart](#). (1/10)
- **‘Likely An African-American,’ Clinton Saw EPA As Opportunity For Quota-Filling.** [Washington \(DC\) Examiner](#) (1/11).

Pesticides

FWS Moves To Protect Endangered Bumblebees.

The Hill (1/10, Devaney) reports the Fish and Wildlife Service said Tuesday it “will protect rusty patched bumblebees from threats posed by pesticides and climate change,” with hopes of reversing a 90 percent population decline in recent years. “The bumblebee protections were praised by environmental groups that pointed to the role these creatures play in pollinating the nation’s food system.” The protections go into effect in 30 days.

Rules/Regulations/Policy

Grijalva Rallies Democrats Against Stream Protection Rule, Methane Rule Rollbacks.

The Hill (1/10, Henry) reports that Rep. Raúl Grijalva is urging his party to stop Republican leaders from slashing two Obama-era environmental standards, the EPA’s coal rule aimed at protecting small waterways from damage during the mining process, and the Interior Department’s methane regulations. The E&E (1/10) reports that on Monday, Rep. Raúl Grijalva said in a letter to Democrats, “For the past eight years, the Republican Party has echoed the anti-regulatory talking points of the fossil fuel industry. But now instead of simply attacking President Obama’s agenda, they are preparing to actually repeal health, safety, fiscal, and environmental protections that President Obama provided the American people.”

Meanwhile, Natural Gas Intelligence (1/10) reports that “House Republicans are working on ‘a larger bill’ to block final rules on methane emissions – and possibly others – from taking effect after one GOP lawmaker’s plan to invoke a rare parliamentary procedure to block the rules failed because too much time elapsed since their introduction.” Last Friday, Rep. Scott Perry “introduced HJ Res. 22, which calls on Congress to invoke the Congressional Review Act (CRA) to block three final rules for methane emissions from new oil and gas wells.”

Defense, EPA Release New Rules Regulating Water Pollution From Military Ships.

Greenwire (1/10, Mintz) reports that together the EPA and Department of Defense released a final rule governing water-polluting discharges from military ships. The new standards will apply to more than 6,000 ships “ranging from small Coast Guard vessels to submarines and aircraft carriers.”

Gasoline Marketers Opposing Shifting Point Of RFS Obligation.

Society of Independent Gasoline Marketers of America CEO Ryan McNutt write for The Hill (1/10) in its “Congress Blog” that although US oil production has risen in recent years, “the need for a robust ethanol industry remains.” Some importers and refiners opposing the renewable fuel standard object to “a perceived unfair cost,” seeking to shift the burden to fuel marketers. McNutt says such a move would be a “costly mistake” that would “artificially [inflate] the price of the nation’s gasoline supply.” The billionaire investor backing the shift is seeking “to manipulate energy policy for a personal windfall.” McNutt argues that the EPA is right “to reject a petition for shifting the point of obligation citing ‘significantly increased complexity’ and the potential to harm the renewable fuels program.”

Additional Reading.

- EPA Advances Incinerator Guidelines For States. Greenwire. (1/11)

Trash/Recycling/Composting/Solid waste

EPA Increases Protections In C8 Agreement With DuPont.

Greenwire (1/10) reports that the EPA reached an agreement with DuPont “in relation to drinking water polluted by the chemical C8” from the company’s plant near Parkersburg, West Virginia. The agreement increases protections to an “action level” of 0.07 parts per billion, “but would still allow greater exposures than other scientists and regulatory experts say is safe.” Meanwhile, DuPont continues to face “thousands of lawsuits from people in the area over PFOA-linked illnesses.”

Water

New Illinois Bill Would Require Lead Testing In Schools, Day Care Centers.

The Chicago Tribune (1/10, Hawthorne) reports that “Gov. Bruce Rauner is expected to sign a bill approved by state lawmakers Tuesday” which would make Illinois “one of the first states to require schools and day care centers to test water fountains and faucets for brain-damaging lead.” If the governor signs the bill into law, “water will be tested for the toxic metal by year’s end in every Illinois grade school built before lead plumbing was banned nationwide in 1986,” while “newer buildings would have to be tested by the end of 2018.” The law “allows schools to pay for testing and any needed repairs with existing funds set aside for safety improvements or legal issues.”

EPA Unveils New Loan Assistance Project To Help With Water Infrastructure Projects.

The Detroit News (1/10, Lynch) reports that as part of the \$170 million in “Flint-inspired aid approved by Congress in December,” the EPA is now allocating nearly \$17 million to communities such as Flint as part of a new federal loan assistance program. “The launch of the Water Infrastructure Finance and Innovation Act program marks a huge step forward for modernizing our nation’s aging water infrastructure,” EPA Administrator Gina McCarthy said in a Tuesday statement. The program will make loans available to “qualifying communities with minimum project values of \$20 million.”

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